

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CASEY SCHUBERT,	:	Civil Action
	:	
Plaintiff,	:	
	:	
v.	:	No.
	:	
FULL PERFORMANCE MARINE,	:	
INC.,	:	
	:	JURY TRIAL DEMANDED
Defendants :	:	

COMPLAINT

AND NOW, comes Plaintiff, Casey Schubert, by and through her attorneys, Schmidt Kramer PC, and avers the following:

PARTIES

1. Plaintiff Casey Schubert is an adult individual and a resident and citizen of New York, who resides at 5 Prospect Avenue, Apt. 8, Gloversville, NY 12078.
2. Defendant Full Performance Marine, Inc. is a Pennsylvania Business corporation with a registered address for service located at 721 Donoughe Street, Galitzin, Cambria County, PA 16641.
3. Defendant Full Performance Marine, Inc., operates a boat dealership and showroom located at 17442 Raystown Road, James Creek, PA 16657.

JURISDICTION

4. This Court has jurisdiction over the present matter pursuant to 28 U.S.C. 1332(a)(1).

FACTS

5. The facts and occurrences hereinafter related took place on or around April 28, 2015, at approximately 10:30 to 11:00 a.m. at a warehouse approximately 5 miles from the main showroom of Defendant Full Performance Marine, Inc.
6. At that time and place, Plaintiff Casey Schubert was a business invitee of Defendant Full Performance Marine, Inc. and was owed the highest duty of care.
7. Plaintiff was taken from the main showroom to the warehouse to look at a boat by a sales person believed to be named Larson.
8. Plaintiff was looking at a house boat/pontoon boat at the warehouse.
9. The subject boat was on a trailer with an A-frame ladder leaning against the boat for customers to climb up the ladder and look at the inside of the boat.
10. The A-frame ladder was not open, but was leaned up against the boat.
11. Plaintiff climbed the ladder and looked around at the interior of the boat.
12. Plaintiff then attempted to climb down the ladder. While she was descending the ladder, it tipped to the side causing her to fall to the ground.

13. Plaintiff suffered a fractured left lateral malleolus and a fractured right proximal tibia.
14. As a result of her injuries, Plaintiff required immobilization of her left ankle with a splint and then a cast, was non weight bearing on her right leg, and required pain medications.
15. Plaintiff was unable to go to the bathroom by herself, stand to prepare meals for herself, and simply could not get around by herself.
16. Plaintiff suffered significant pain in her left ankle and her leg.

COUNT I

17. All prior paragraphs are incorporated herein by reference.
18. All of Plaintiff's damages are the direct result of the negligent and careless actions of Defendant Full Performance Marine, Inc. directly and vicariously through its employees in that it:
 - a. Used an unsafe ladder to show customers the subject houseboat;
 - b. Used the wrong type of ladder to lean up against the subject houseboat;
 - c. Failed to properly open the A-frame ladder rather than to lean it up against the subject houseboat;
 - d. Failed to properly tie off and secure the subject ladder before allowing customers to use it access the subject houseboat;
 - e. Failed to properly supervise customers' use of the ladder while they were entering and exiting the subject houseboat;

- f. Failed hold or otherwise ensure that the subject ladder did not tip over while being used by customers to enter and exit the subject houseboat;
- g. Failed to provide appropriate instruction and guidance to customers for the safe operation of the subject ladder used to enter and exit the subject houseboat;
- h. Failed to follow all manufacturer's instructions for the subject ladder before allowing customers to use it to enter and exit the subject house boat; and
- i. Failed to provide the safest means for customers to enter and exit the subject houseboat.

19. As a result of her injuries, Plaintiff Casey Schubert was required to incur expenses for and may in the future require medical care, medications, and assistive devices and claims are made therefor.

20. As a result of her injuries, Plaintiff Casey Schubert suffered past wage loss and a permanent diminution of her future earning capacity and claims are made therefor.


21. As a result of her injuries, Plaintiff Casey Schubert suffered and will in the future suffer from pain, suffering, embarrassment, humiliation, loss of the ability to enjoy life, and disfigurement, and claims are made therefor.

22. Plaintiff Casey Schubert believes and therefore avers that her injuries are of a permanent nature, and that they will continue to plague her for the remainder of her natural life.

WHEREFORE, Plaintiff Casey Schubert, demands judgement against Defendant Full Performance Marine, Inc. in an amount in excess of \$75,000.

Respectfully Submitted,

SCHMIDT KRAMER PC

By: 
Daryl E. Christopher, Esquire
I.D.# 91895
209 State Street
Harrisburg, PA 17101
(717) 232-6300
Attorney for Plaintiff

1/9/17